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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 HSBC BANK USA, et al.,

8 Plaintiff(s),

9 v.

10 LEE FAMILY PROPERTIES, LLC.
11 SERIES XVII, et al,

12 Defendant(s).

Case No. 2:16-CV-644 JCM (NJK)

ORDER

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14 Presently before the court is defendant Lee Family Properties, LLC, Series XVII's ("Lee")
15 motion for re-taxation of costs. (ECF No. 91). Plaintiff HSBC Bank, USA, National Association
16 ("HSBC") did not respond, and the time to do so has passed.

17 Ordinarily, "[t]he failure of an opposing party to file points and authorities in response to
18 any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a
19 consent to the granting of the motion." LR 7-2(d).

20 However, the parties filed a notice of settlement on August 29, 2019. (ECF No. 94). The
21 parties indicate that they have "reached an agreement to settle all claims pending in this action."
22 *Id.* at 2. The parties further note that they "anticipate that the performance of the terms of the
23 settlement agreement will be completed within ninety (90) days of the date of this notice." *Id.*

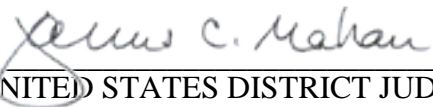
24 Thus, the court denies Lee's motion without prejudice in light of the parties' settlement.

25 Accordingly,

26 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Lee's motion for re-
27 taxation of costs (ECF No. 91) be, and the same hereby is, DENIED without prejudice.
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1 IT IS FURTHER ORDERED that the parties shall file a joint status report or stipulation of
2 dismissal within fourteen (14) days of this order.

3 DATED November 22, 2019.

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5 UNITED STATES DISTRICT JUDGE
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